

Message Text

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PAGE 01 JIDDA 01645 041424Z
ACTION SCS-06

INFO OCT-01 NEA-10 ISO-00 H-01 PPT-01 CA-01 /020 W
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FM AMEMBASSY JIDDA
TO SECSTATE WASHDC 1269

LIMITED OFFICIAL USE JIDDA 1645

E.O. 11652: N/A
TAGS: CASC (SHALHUB, SHERENE)
SUBJECT: W/W: SHERENE PALHUB

REF: (A) STATE 52848, (B) JIDDA 1515

1. WHILE EMBASSY WOULD BE DELIGHTED, IN TERMS OF RIGHTS AND CONCERNS OF AMERICAN MOTHER, IF SAUDIS WOULD HONOR DECISION OF FATWA COMMITTEE IN NEW YORK (STATE REFTEL), WE VERY MUCH DOUBT THEY WILL.

2. RIGHT OF CHILD TO BE WITH MOTHER UNDER MOSLEM LAW AND TRADITION WAS DISCUSSED LAST OCTOBER WITH PRESIDENT OF SHARIA (MOSLEM LAW) COURT OF JIDDA, ABDEL AZIZ BIN ISSA (77 JIDDA 7467). AS REPORTED, ISSA "REFERRED US TO AL-MOUGHONI BOOK, PART VII, PAGE 618, BY BIN QOUDAMAH. THE LAST SENTENCE SPEAKING OF MOTHER READS QTE ... IF SHE MOVES TO ANOTHER COUNTRY THE FATHER IS ENTITLED TO HAVE CUSTODY OF THE CHILD UNQTE."

3. IN SAME TELEGRAM WE ALSO REPORTED PRESIDENT OF COURT'S REFERENCE TO "PROPER EDUCATION OF CHILD TO BUILD GOOD CHARACTER AND MORALS ACCORDING TO ISLAMIC PRONCIPLES". IN THAT CONNECTION, FATHER'S WRITTEN STATEMENT TO MFA ON 4 FEBRUARY 1978 CLAIMED THAT DIVORCED WIFE RENOUNCED ISLAM AND WAS TAKING CHILD TO CHRISTIAN CHURCH. THIS WAS REASON HE TOOK CHILD FROM HER MOTHER AFTER EARLIER AGREEING TO HER CUSTODY.

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PAGE 02 JIDDA 01645 041424Z

4. IN SAME STATMENT SHALHUB CLAIMS WIFE ADOPTED ISLAM IN THE MOSLEM YEAR 1391 (APPROXIMATELY 1971) AT THE SHEIKH EL AZHAR MOSQUE IN CAIRO.

5. TONE OF MFA NOTE ON SHALHUB CASE, REJECTING ANY RECOGNITION OF DUAL NATIONALITY (JIDDA REFTEL, PARA 4), TENDS TO

BEAR OUT VIEW OF CONGRESSMAN DICK'S STAFFER THAT "THE LIMITED
POLICAL INTERVENTION WHICH HAS ALREADY TAKEN PLACE WOULD
HAVE SERVED TO AGITATE THE SAUDI GOVERNMENT."

6. AM AMBASSADOR SAID IN HIS 1 OCTOBER 1977 LETTER TO SENATOR
STONE: "...THERE EXISTS A CONFLICT OF JURISDICTION IN THIS
SITUATION." APPLICATION OF PURELY HUMANITARIAN PRINCIPLES
SEEMS ALMOST EQUALLY IN CONFLICT. WHILE PREDOMINANT AMERICAN
SYMPATHY WILL BE WITH MOTHER AND RAISING CHILD IN HER FAITH,
SAUDI CULTURAL HERITAGE CREATES SYMPATHY FOR FATHER AND HIS
RELIGIOUS OBLIGATIONS.
WELEY

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